

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1985\***

**House Bill No. 2027**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subsection (n) and substituting instead the following:

(n)

(1) Except as provided in subdivision (n)(2), a permit issued pursuant to this section shall be good for eight (8) years and shall entitle the permit holder to carry any handgun or handguns that the permit holder legally owns or possesses. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

(2) An enhanced handgun carry permit issued on or after January 1, 2021, shall not expire and shall continue to be valid for the life of the permit holder unless the permit holder no longer meets the requirements of this section. An enhanced handgun carry permit issued on or after January 1, 2021, shall not be subject to renewal. Every four (4) years after issuance of the enhanced handgun carry permit, the department shall conduct a name-based criminal history record check to determine whether the permit holder satisfies the requirements of this section. Upon discovery that an enhanced handgun carry permit holder no longer satisfies the requirements of this section, the department shall suspend or revoke the permit pursuant to § 39-17-1352.

(3)



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(A) If the enhanced handgun carry permit holder's permit is suspended or revoked, the permit holder shall deliver, in person or by mail, any permits to the department within thirty (30) days of the suspension or revocation.

(B) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permits within thirty (30) days of the suspension or revocation, the department shall send notice to the permit holder that:

(i) The permit holder has thirty (30) days from the date of the notice to deliver any permits, in person or by mail, to the department; and

(ii) If the permit holder fails to deliver the suspended or revoked permits to the department within thirty (30) days of the date of the notice, the department will suspend the permit holder's driver license.

(C) If the department does not receive the enhanced handgun carry permit holder's suspended or revoked permits within thirty (30) days of the date of the notice provided by the department, the department shall suspend the permit holder's driver license in the same manner as provided in § 55-50-502.

SECTION 2. Tennessee Code Annotated, Section 39-17-1351(o), is amended by deleting subdivision (o)(1)(D) and substituting instead the following:

(D) The permit number and issuance date.

SECTION 3. Tennessee Code Annotated, Section 39-17-1351(o), is amended by deleting subdivision (o)(2) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1351(p), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-1351(q)(1), is amended by deleting the first sentence of the subdivision and substituting instead the language:

At any time prior to the expiration of a permit issued prior to January 1, 2021, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application.

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(q), is amended by deleting the language "displaying a receipt for the renewal application fee" and substituting instead the language "displaying proof".

SECTION 7. Tennessee Code Annotated, Section 39-17-1351(q)(2)(A), is amended by deleting the subdivision and substituting instead the following:

If the handgun carry permit holder's permit is not expired at the time the permit holder applies for renewal, the permit holder shall only be required to comply with the renewal provisions of subdivision (q)(1).

SECTION 8. Tennessee Code Annotated, Section 39-17-1351(q), is amended by adding the following as a new subdivision:

(4) Any permit renewed on or after January 1, 2021, shall not expire and shall continue to be valid for the life of the permit holder in the same manner provided in subdivision (n)(2).

SECTION 9. Tennessee Code Annotated, Section 39-17-1351(x), is amended by deleting the subsection.

SECTION 10. In order to allow the department of safety to promulgate rules, regulations, and procedures required by this act, this act shall take effect upon becoming a law. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2556**

**House Bill No. 2108\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new subdivision (a)(3):

(3) Subdivision (a)(1) does not prohibit a commissioned law enforcement officer from carrying a firearm when the officer is on or off duty.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(B)(i) and substituting instead the following:

The sign shall also include the phrases "As authorized by T.C.A. § 39-17-1359" and "All law enforcement officers are exempt".

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the second sentence of subdivision (b)(3)(C)(i) and substituting instead the following:

The sign shall also include the phrases "As authorized by T.C.A. §§ 39-17-1351, 39-17-1359, and 39-17-1366" and "All law enforcement officers are exempt".

SECTION 4. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subdivision (b)(1)(D) and substituting instead the following:

(D) Officers of the state, or of any county, city, or town, charged with the enforcement of the laws of the state, regardless of whether the officer is on duty;

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.



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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2195**

**House Bill No. 2262\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-22-103(4)(A)(i)(c), is amended by deleting the subdivision and substituting instead the following:

(c) The person committed a felony involving the use of force against the person of another; or

SECTION 2. Tennessee Code Annotated, Section 40-35-104(c)(9), is amended by deleting the language "alternative to incarceration" and substituting instead the language "alternative to incarceration, including, but not limited to, day reporting centers,".

SECTION 3. Tennessee Code Annotated, Section 40-35-104(c)(9), is amended by adding the following language at the end of the subdivision:

As used in this section, "day reporting center" means a highly structured, non-residential, and phase-based program that combines supervision, treatment, and reentry services for moderate to high-risk offenders with a substance abuse issue or mental health issue.

SECTION 4. Tennessee Code Annotated, Section 40-35-104, is amended by adding the following as a new subsection (f):

(f) The court shall strongly consider utilizing available and appropriate sentencing alternatives for any defendant who, as appropriately documented, including through a presentence investigation under § 40-35-207(a)(10), has a behavioral health need, such as a mental illness as defined in § 33-1-101, or is chemically dependent as defined in § 16-22-103. The court has sole discretion whether to utilize available sentencing alternatives under this subsection (f).



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SECTION 5. Tennessee Code Annotated, Section 40-35-303(c)(1), is amended by adding the following language at the end of the subdivision:

The period of probation imposed shall not exceed eight (8) years for a felony offense. If the court imposes a period of probation for more than one (1) conviction, the total period of probation imposed shall not exceed eight (8) years.

SECTION 6. Tennessee Code Annotated, Section 40-35-308(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Notwithstanding the actual sentence imposed under § 40-35-303(c), at the conclusion of a probation revocation hearing, the court shall have the authority to extend the defendant's period of probation supervision for a period not in excess of one (1) year upon determining on the record that:

(A) The defendant has repeatedly and intentionally failed to comply with court-ordered treatment programming;

(B) The defendant has intentionally violated the conditions of probation regarding contact with the victim or the victim's family; or

(C) The defendant has intentionally failed to comply with restitution orders despite having the ability to pay the restitution owed, and extending the period of probation would be more effective than other available options in ensuring that the defendant pays the remaining amount of restitution owed.

(2) If the court makes at least one (1) of the determinations in subdivision (c)(1), the court may extend probation for additional periods not in excess of one (1) year each.

SECTION 7. Tennessee Code Annotated, Section 40-35-310(a), is amended by deleting the subsection and substituting instead the following:

(a) The trial judge shall possess the power, at any time within the maximum time that was directed and ordered by the court for the suspension, after a proceeding as provided in § 40-35-311, to revoke and annul the suspension. The trial judge may order the original judgment to be in full force and effect from the date of the revocation of the suspension and may reduce the original judgment by the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation or a portion of that amount of time. If the trial judge revokes the suspension due to conduct by the defendant that has resulted in a judgment of conviction against the defendant during the defendant's period of probation, the trial judge may order that the term of imprisonment imposed by the original judgment be served consecutively to any sentence that was imposed upon the conviction.

SECTION 8. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "restore the original judgment" and substituting instead the language "restore the original judgment, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation,".

SECTION 9. Tennessee Code Annotated, Section 40-35-311(d), is amended by redesignating the existing language as subdivision (d)(1) and adding the following language as subdivisions (d)(2) and (3):

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke probation, temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

(3) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony or Class A misdemeanor.

SECTION 10. Tennessee Code Annotated, Section 40-35-311(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e)

(1) If the trial judge revokes the defendant's probation and suspension of sentence based upon a finding, by a preponderance of the evidence, that the defendant engaged in conduct that violated the conditions of probation and suspension but did not constitute a new felony or Class A misdemeanor, the trial judge may temporarily revoke the probation and suspension of sentence by order duly entered upon the minutes of the court, and:

(A) Impose a term of incarceration not to exceed:

(i) Fifteen (15) days for a first, second, or third revocation;

or

(ii) One (1) year or the remainder of the sentence,

whichever is shorter, for a fourth or subsequent revocation; or

(B) Resentence the defendant for the remainder of the unexpired term to any community-based alternative to incarceration authorized by chapter 36 of this title; provided, that the violation of probation and suspension is a technical violation and does not involve the commission of a new offense.

(2) If the trial judge revokes the defendant's probation and suspension of sentence based upon a finding, by a preponderance of the evidence, that the defendant has committed a new felony or Class A misdemeanor, the trial judge may revoke the probation and suspension of sentence by order duly entered upon the minutes of the court, and cause the defendant to commence the execution of the judgment as originally entered, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation.

(3) If the trial judge revokes the defendant's probation and suspension of sentence, the defendant has the right to appeal.



SECTION 11. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i), is amended by deleting subdivisions (d) and (e) and substituting instead the following:

(d) Has not previously been convicted of:

(1) A felony for which a sentence of confinement was served; or

(2) A Class A misdemeanor within the previous fifteen (15) years for which a sentence of confinement was served; and

(e) Has not, within the previous fifteen (15) years or on more than one (1) occasion, been granted judicial diversion under this chapter or pretrial diversion.

SECTION 12. Tennessee Code Annotated, Section 40-36-105(8), is amended by deleting the language "accountability" and substituting instead the language "accountability and to measure the efficiency of all programs, including evaluating community corrections programs using the data provided by community corrections grant recipients pursuant to § 40-36-305(a)".

SECTION 13. Tennessee Code Annotated, Section 40-36-305(a), is amended by redesignating the first sentence of the subsection as subdivision (a)(1) and the last two sentences of the subsection as subdivision (a)(2), and adding the following language in subdivision (a)(1) after the language "defining program effectiveness":

and must collect and provide annually to the department of correction any information required by the department to evaluate the program under § 40-36-105(8), including, but not limited to:

(A) The number of individuals admitted to the program;

(B) The average caseload for caseload-bearing employees of the program;

(C) The number of successful completions of the program;

(D) The average time for an individual to successfully complete the program;

(E) The number of individuals in the program who have incurred a new arrest, new conviction, or revocation of a community correction sentence,

including the type of arrest, conviction, or revocation and the underlying conduct resulting in the arrest, conviction, or revocation; and

(F) The average time an individual spends in the program before an arrest, conviction, or revocation.

SECTION 14. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 15. Sections 5-10 of this act shall take effect July 1, 2020, the public welfare requiring it, and apply to probation and diversion determinations made on or after that date. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.